

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

RICH MEDIA CLUB, LLC, a Delaware
limited liability company, et al.,

Plaintiffs,

vs.

NIKOLAI MENTCHOUKOV, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION
AND MOTION FOR
PREJUDGMENT WRIT OF
REPLEVIN

Case No. 2:11-CV-1202 TS

Plaintiffs filed their Motion for Preliminary Injunction¹ and Motion for Writ of Replevin² on January 3, 2012. Soon thereafter, Defendants filed their Motion to Dismiss along with a motion to stay consideration of the preliminary judgment and replevin motions until the Court ruled on the Motion to Dismiss.

¹Docket No. 5.

²Docket No. 5

Initially, the Court stated that it would hear the motion to dismiss together with the injunction and replevin motions in March. After some back and forth from the parties, the Court rescheduled the injunction and replevin hearings, and held a hearing on the Motion to Dismiss on March 28, 2012.

On April 3, 2012, the Court issued its Memorandum Decision on Defendants' Motion to Dismiss. The Court dismissed the large majority of Plaintiffs' claims, but gave Plaintiffs thirty days to file an amended complaint. Among the rejected claims was Plaintiffs' replevin action, which was dismissed without prejudice. Based on that holding, the Court will deny Plaintiffs' Motion for Writ of Replevin without prejudice.

Plaintiffs also included an injunction claim in their Complaint. In its Memorandum Decision, the Court stated that it would consider the briefing on the independent injunction motion at a later date. On April 26, the Court set a hearing on the injunction motion. On April 30, Plaintiffs filed a motion seeking to withdraw the injunction motion. On May 3, 2012, Plaintiffs filed an amended complaint.

The parties agree that the injunction motion should be withdrawn. However, Defendants seek to have the Court dismiss the motion with prejudice.

Based on the parties' stipulation, the Court will order that the Motion be dismissed. However, the Court sees no cause for denying Plaintiffs the opportunity to pursue a preliminary injunction based on their amended allegations. To the extent Plaintiffs' injunction motion may rely on claims or theories already rejected by the Court in its Memorandum Decision, the injunction must of course be denied on those grounds. However, to the extent that the

amendments to the Complaint may support an injunction, the Court will consider that claim as it arises. It is therefore


ORDERED that Plaintiffs' Motion for Preliminary Injunction (Docket No. 5) is DENIED WITHOUT PREJUDICE. It is further

ORDERED that Plaintiffs' Motion for Prejudgment Writ of Replevin (Docket No. 5) is DENIED WITHOUT PREJUDICE

in light of the Court's Memorandum Decision dated April 3, 2012.

DATED July 27, 2012.

BY THE COURT:



TED STEWART
United States District Judge